

Message Text

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PAGE 01 USBERL 00323 201140Z

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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FM USMISSION USBERLIN

TO AMEMBSSY BONN

INFO SECSTATE WASHDC 1994

AMEMBSSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 0323

E.O.11652: GDS

TAGS: PGOV, PFOR, WB, GW, UR

SUBJECT: SOVIET PROTEST AT FEDERAL ADMINISTRATIVE
COURT DECISION

REFS: A) USBERLI 256, B) USBERLIN 247,
C) BONN 2772

1. SUMMARY: ALLIED MISSIONS HAVE AGREED TO RECOMMEND
TO EMBASSIES DRAFT RESPONSE TO SOVIET FEBRAURY 10
STATEMENT BASEDON THAT REPORTED REF A. END SUMMARY.

2. ALLIED MISSIONS HAVE AGREED TO TRANSMIT TO
EMBASSIES FOLLOWING DRAFT RESPONSE:

BEGIN TEXT: THE ALLIED AUTHORITIES HAVE REQUESTED
ME TO MAKE THE FOLLOWING RESPONSE TO THE SOVIET
STATEMENT OF FEBRUARY 10. THE DECISION OF THE FEDERAL
ADMINISTRATIVE COURT REFERRED TO IN THE SOVIET
STATEMENT APPEARS TO HAVE BEEN THAT OF SEPTEMBER 16,
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PAGE 02 USBERL 00323 201140Z

1975. THE COURT'S ACTION HAD NO CONNECTION WHATEVER
WITH BERLIN. THERE IS THUS NO POSSIBLE BASIS FOR THE

ALLEGATION THAT THIS MATTER WAS IN ANY WAY IN VIOLATION OF THE STATUS OF BERLIN OR OF ANY PART OF THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971. THE ALLIED AUTHORITIES FURTHER DRAW THE ATTENTION OF THE SOVIET AUTHORITIES TO THE FACT THAT THE FIFTH CHAMBER OF THE FEDERAL ADMINISTRATIVE COURT HEARD THE CASES AND HANDED DOWN ITS DECISION IN TRIER.

THE FEDERAL ADMINISTRATIVE COURT HAS, OF COURSE, BEEN LOCATED IN THE WESTERN SECTORS OF BERLIN FOR MORE THAN TWENTY YEARS WITH ALLIED AUTHORIZATION. ITS OPERATION IN BERLIN, LIKE THOSE OF ALL OTHER FEDERAL INSTITUTIONS IN THE CITY, ARE IN ACCORDANCE WITH THE LAWS IN FORCE IN THE WESTERN SECTORS AND SUBJECT TO ALLIED RIGHTS AND RESPONSIBILITIES. THE SUGGESTION THAT THIS IS IN SOME MANNER IN VIOLATION OF THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971 IS COMPLETELY WITHOUT BASIS.

THE ALLIED AUTHORITIES WOULD LIKE TO TAKE THIS OCCASION TO RECALL TO THE SOVIET AUTHORITIES THAT THE SCRUPULOUS ADHERENCE TO THE DEMILITARIZED STATUS OF BERLIN IN THE WESTERN SECTORS OF THE CITY IS IN CONTRAST TO THE DAILY VIOLATIONS OF THIS STATUS THAT OCCUR IN THE EASTERN SECTOR FOR WHICH THE SOVIET AUTHORITIES BEAR RESPONSIBILITY. EN
TEXT.

3. ACTION REQUESTED: BONN GROUP REVIEW AND AUTHORIZATION FOR THE CHAIRMAN POLAD TO MAKE THIS RESPONSE TO THE SOVIET EMBASSY AS SOON AS POSSIBLE. GEORGE

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